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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/527,057

11/18/2005

Thomas Abrahamsson

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EXAMINER

ZAHR, ASHRAF A

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/527,057	<b>Applicant(s)</b> ABRAHAMSSON, THOMAS	
	<b>Examiner</b> ASHRAF ZAHR	<b>Art Unit</b> 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12/7/07.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This is the second action on the merits for application number 10/527,057.

Claims 1-9 are pending in this application.

### ***Response to Arguments***

2. Applicant's arguments, see Remarks pg 5, filed 12/7/07, with respect to the rejection(s) of claim(s) 1-5 under 35 USC 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Sciammarella under 35 USC 103.

3. Applicant argues, Furthermore, Sciammarella does not disclose a selection cursor being "selectively scrollable through the series of panels ... to a panel appearing further up either side of the display screen than the panels displayed at the bottom thereof" which is "arranged to cause the indicated panel to be pulled down and stopped in a position at the bottom of the display screen and the whole series of panels to be scrolled along with it.". Thus, it is clear that Sciammarella discloses a selection cursor that is essentially static at the center of the screen and that thumbnails move into the cursor "focus". In other Words, the thumbnails are not pulled down by the selection cursor and stopped in a position at the bottom of the display screen.

The examiner respectfully disagrees with the applicant. The thumbnails are pulled down because they rotate and the selected one is moved to the

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bottom of the screen. Furthermore, the cursor can also be moved slightly toward the adjacent thumbnail as the adjacent thumbnail is shifted toward center. The examiner reads this as being selectively scrollable (Sciammarella, ¶0077).

Hence the cursor is selectively scrollable because the panels are scrolling through the cursor as it moves to the left and the right. Furthermore when it moves in either direction it would appear to be move up and through a series of panels because of the circular fashion of the menu.

#### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**Regarding Claims 1-9**, a graphical user interface is non-statutory subject matter as it is not tangibly embodied in manner as to be executable.

Furthermore, the claims appear directed towards software per se. Therefore, the claims are rejected as being non-statutory subject matter.

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5 rejected under 35 U.S.C. 103(a) as being unpatentable over Sciammarella et al., US 2002/0033848 (Hereinafter, Sciammarella).

**Regarding Claim 1**, Sciammarella discloses “a graphical user interface system for efficiently navigating among and selecting from different selectable options presented on a display screen”. Specifically, Sciammarella discloses a graphical user interface for managing data objects and a layout/order interface (Sciammarella, ¶0047-48).

Sciammarella also discloses, “display screen being associated with a client device and means for user input”. Specifically, Sciammarella discloses the system for use with a display, computer and user input unit (Sciammarella, ¶0058).

Sciammarella also discloses, “a scrollable menu is provided for selectively through user input being presented to the display screen”. Specifically, a user can browse and look at the data object (Sciammarella, ¶0075-0077).

Sciammarella also discloses, “scrollable menu comprises a series of panels representing bookmarks and/or bookmark folders representative of the different selectable options”. Specifically, Sciammarella discloses thumbnail representatives of the data objects (Sciammarella, Fig 2).

Sciammarella also discloses, “which series of panels when presented to the display screen will appear to occupy a two- dimensional space extending in an approximate semi-circular fashion along the bottom and the adjacent sides of the display screen such that additional information can be presented for viewing on the remainder of the display screen”. Specifically, Sciammarella discloses thumbnail representatives in a semi-circular fashion along the bottom of the screen and additional information can be presented for viewing data objects (Sciammarella, Fig 2).

Sciammarella also discloses, “a selection cursor is provided for being presented to the display screen overlaid one panel presented at the bottom of the display screen”. Specifically, Sciammarella discloses a focus outline (Sciammarella, ¶51). This is used to select objects.

Sciammarella discloses, “which selection cursor upon being scrolled to a panel appearing further up either side of the display screen than the panels displayed at the bottom thereof is arranged to cause the indicated panel to be pulled down and stopped in a position at the bottom of the display screen and the whole series of panels to be scrolled along with it, said user interface system further providing for user input for performing a selection of the panel indicated by said selection cursor”. Specifically, the objects in Sciammarella can move along an axis causing them to move from the either side of the screen to the bottom of the screen (Sciammarella, ¶0074).

Sciammarella also discloses, “selection cursor through user input is selectively scrollable through the series of panels”. Specifically, it can also be

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moved slightly toward the adjacent thumbnail as the adjacent thumbnail is shifted toward center. The examiner reads this as being selectively scrollable.

(Sciammarella, ¶0077).

Sciammarella does not specifically disclose that menu at the bottom of the display screen. However, it would be obvious to one of ordinary skill in the art to move the thumbnail menu to the bottom of the display screen. The motivation to do so would be a different design choice.

**Regarding Claim 2**, Sciammarella also discloses, “the graphical user interface according to claim 1, wherein an information field is provided for being presented to the display screen, providing additional information regarding the selectable option of the panel indicated by said selection cursor”. Specifically, Sciammarella discloses an information field that provides information (Sciammarella, Fig 2: node 26).

**Regarding Claim 3**, Sciammarella also discloses, “the graphical user interface according to claim 1, wherein the transport speed of the series of panels when scrolled is arranged to be increased linearly the further up the panels appearing at either side of the display screen the user attempts to scroll the selection cursor”. Specifically, when the continuous browsing input continues for longer than a certain duration of time, then the speed at which the thumbnails move is accelerated (Sciammarella, ¶0081).

**Regarding Claim 4**, Sciammarella also discloses, “the graphical user interface according to claim 1, wherein the transport speed of the series of panels when scrolled is arranged to be dependent on the frequency of user input commands for scrolling the selection cursor up the panels appearing at either side of the display screen”. Specifically, when the continuous browsing input continues for longer than a certain duration of time, then the speed at which the thumbnails move is accelerated (Sciammarella, ¶0081).

**Regarding Claim 5**, Sciammarella also discloses, “the graphical user interface according to claim 1, wherein it further provides for user input for editing the bookmarks and/or bookmark folders representative of the different selectable options”. Specifically, the user can edit the information related to the data object (Sciammarella, ¶0090).

8. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sciammarella et al., US 2002/0033848 (Hereinafter, Sciammarella) in view of Matthews, III et al., US 5,677,708 (Hereinafter Matthews).

**Regarding Claim 6**, Sciammarella discloses all the limitations of claim 1 above. However, Sciammarella does not specifically disclose, “the graphical user interface according to claim 1, that wherein a first information symbol is provided for being displayed to the display screen adjacent to the selection cursor when the panel indicated by said selection cursor is a panel representing



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a bookmark folder, said first information symbol indicating a path to a sub-menu comprising a series of additional panels representing the bookmarks and/or bookmark folders represented by the panel indicated". Matthews remedies this with the disclosure information symbols indicating paths to sub menus (Matthews, Fig 11, node 195-198). It would be obvious to one of ordinary skill in the art to add the feature of the information symbol indicating a path to the data object display in Sciammarella. The motivation to do so is to address the requirements of limited display "real estate" for displaying such control images, as well as the dynamic nature of programming information presented by the interactive network (Matthews, col 7, ln 7-11).

**Regarding Claim 7**, Sciammarella also does not specifically disclose, "the graphical user interface according to claim 6, wherein upon user input for performing a selection of the panel representing a bookmark folder, the sub-menu comprising a series of additional panels representing the bookmarks and/or bookmark folders represented by the panel selected are provided for being displayed to the display screen, replacing the previously displayed menu". However, Matthews remedies this with the disclosure of present invention provides a system for both "highlighting" the currently selected control item and for supplying the user with an indication of other control items that are available for selection by the user (Matthews, col 7, ln 4-7). It would be obvious to one of ordinary skill in the art to add the feature of supplying the user with other control

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items that are available to the data object display in Sciammarella. The motivation to do so is to address the requirements of limited display "real estate" for displaying such control images, as well as the dynamic nature of programming information presented by the interactive network (Matthews, col 7, ln 7-11).

**Regarding Claim 8**, Sciammarella also does not specifically disclose, "the graphical user interface according to claim 7, wherein a second information symbol is provided for being displayed to the display screen adjacent to the selection cursor when the panel indicated by said selection cursor is a panel of said sub-menu, said second information symbol indicating a return path to the previous menu". However, Matthews remedies this with the disclosure information symbols indicating paths to sub menus (Matthews, Fig 11, node 195-198). It would be obvious to one of ordinary skill in the art to add the feature of the information symbol indicating a path to the data object display in Sciammarella. The motivation to do so is to address the requirements of limited display "real estate" for displaying such control images, as well as the dynamic nature of programming information presented by the interactive network (Matthews, col 7, ln 7-11).

**Regarding Claim 9**, Sciammarella does not specifically disclose, "the graphical user interface according to claim 8, wherein the panel representing the bookmark folder is provided for being displayed to the display screen below the

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panels of said sub-menu, indicating to the user the panel used to enter said sub-menu". However, Sciammarella discloses the data object displayed at the bottom of the Arc (Sciammarella, Fig 2). It would be obvious to one of skill in the art to move this down below the other data objects. The motivation to do so is to draw attention to particular ones of the thumbnails and indicate the focus thumbnail more clearly (Sciammarella, ¶¶0050)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHRAF ZAHR whose telephone number is (571)270-1973. The examiner can normally be reached on M-F 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AAZ 3/18/2008

/Ba Huynh/  
Primary Examiner, Art Unit 2179